

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	: Mark W. Bergman	Group Art Unit: 1762 Examiner: Bareford, Katherine A.
Appln. No.	: 10/730,691	
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Title	: HAND-HELD VESSEL	
Docket No.	: B787.12-0008	

DECLARATION UNDER RULE 132

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Alvin Preyer, hereby declare as follows:

1. I am currently employed at Meehan & Nolan Associates, which is a company in Boston, MA that provides services to third parties in the painting industry. I manage the in-store service, manufacturer representative services, and consulting services for Meehan & Nolan Associates, and have been a manufacturers' representative for Bercom International, LLC ("Bercom") since the spring of 2003. I have worked in the painting industry for about 25 years. While working with Meehan & Nolan Associates, I typically see about 100 new product ideas for the painting industry each year.

2. Prior to my employment at Meehan & Nowlan, I worked for over 20 years with Shur-Line, Inc. in Lancaster, NY. Shur-Line manufactured and sold a wide variety of painting tools, and even developed a painting tool category called the Convenience Painting Tool™ category. Our category of painting tools encompassed essentially every type of painting tool on the market, except for brushes and rollers. As such, I have substantial experience with paint container products. In 2000, Newell Rubbermaid purchased Shur-Line, and rolled Shur-Line into its "EZ Painter" division. I stayed on with Shur-Line as Vice President for three years, until leaving to join Meehan & Nolan Associates. While I was Vice President of Shur-Line, Shur-Line's success effectively caused the Newell Rubbermaid "EZ Painter" division to fold back into Shur-Line. As such, Shur-Line is now the named division of Newell Rubbermaid for painting accessories. See www.shurline.com.

3. I first saw the HANDy Paint Pail container in 2002, prior to leaving Shur-Line. I believe that Mr. Bergman is very creative and that his invention of the HANDy Paint Pail container is very logical and simple. I believe the HANDy Paint Pail container has attained such a high level of commercial success because of two key features: (1) the strap for holding the container, and (2) the magnet for holding paint brushes within the container.

4. With respect to the strap, people who first try the HANDy Paint Pail container initially attempt to pick the container up by gripping the strap (like grabbing a coffee cup handle). Holding the container in this manner is somewhat awkward. However, once I show them how to properly hold the container (i.e., by sliding their hand between the strap and container) they respond with an "enlightened" reaction and immediately take to the product. The adjustability of the strap is also a key feature.

5. Based on my experience, I believe the HANDy Paint Pail container sold by Bercom is a great product that has attained a substantial level of commercial success. As mentioned above, I have had over two decades of experience with painting products, and when I first saw the HANDy Paint Pail container, I was skeptical about its viability as a product. However, as we brought the HANDy Paint Pail container to potential customers and then and showed them how the strap feature made handling a paint container so effortless, it was then well received. In fact, the level of commercial success attained by of the HANDy Paint Pail container is somewhat unique in the painting industry. It is very rare in the painting industry to see a single product attain such a level of commercial success, especially in such a short amount of time.

6. The HANDy Paint Pail container was also a big hit with The Sherwin-Williams company, which is the heart and core of the painting industry. Contractors and consumers view The Sherwin-Williams as a standard of high quality in the painting industry. Once representatives of The Sherwin-Williams company understood how to properly hold the HANDy Paint Pail container, they gave Bercom a chance to sell the HANDy Paint Pail container in their stores. Shortly after, the HANDy Paint Pail container became The Sherwin-Williams "2004 Product of the Year", which is a very prestigious award in the painting industry. When this

product won the award, the President of The Sherwin-Williams stated that he loved the product and had never seen a single product hit such a home run in the painting industry.

7. The HANDY Paint Pail container also has several general features that are important to the painting industry. After attending numerous painting industry focus groups, the repeated message I have heard is that the painting industry wants products that provide quality results, quick results, and are easy to use. I believe the HANDY Paint Pail container achieves all three of these criteria.

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

ALVIN PREYER

Date:

9/20/2005